

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

DYSTAR TEXTILFARBEN GMBH
& CO. DEUTSCHLAND KG,

Plaintiff,

vs.

C. H. PATRICK CO. INC., AND
BANN QUIMICA, LTDA,

Defendants.

Civil Action No. 6:02-2946-WMC

ORDER

This matter is before the court on the defendants' motions for judgment as a matter of law or, alternatively, for a new trial, on the issue of patent invalidity of U.S. Patent No. 5,586,992 ("the '992 patent"). These motions are based on: (1) anticipation of the '992 patent by U.S. Patent 1,247,927 under 35 U.S. C. §102; (2) obviousness of the '992 patent on four separate combinations of references under 35 U.S.C. §103; and (3) lack of enablement under 35 U.S.C. §112.

The parties agreed to a trial by jury. The attorneys for both sides diligently and ably presented their cases. The trial itself involved issues of credibility, in particular the testimony of expert witnesses as to the obviousness, anticipation and validity of the patent. The jury diligently considered the evidence presented and found for the plaintiff. This court concludes that the jury's verdict was reasonable and was supported by evidence in the record. Therefore, as this court has great respect for trial by jury and the right of the parties to request a jury trial, this court will not substitute its findings for those of the jury as the jury's decision was clearly supported by the trial record and was reasonable.

Now, therefore, after reviewing the entire record, including the defendants' memorandum,

IT IS ORDERED that the defendants' motions for judgment as a matter of law or, alternatively, for a new trial, are denied.

IT IS SO ORDERED.

s/William M. Catoe
United States Magistrate Judge

November 1, 2005

Greenville, South Carolina